

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 43

BY WAYS AND MEANS COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE AND APPROVING AND EXTENDING FEE, NON-
3 FEE, AND PROCLAMATION RULES REVIEWED BY THE HOUSE JUDICIARY, RULES, AND
4 ADMINISTRATION COMMITTEE AND THE SENATE JUDICIARY AND RULES COMMITTEE
5 WITH EXCEPTIONS.

6 Be It Resolved by the Legislature of the State of Idaho:

7 WHEREAS, the Legislature is vested with authority to reject executive
8 agency rules that are not consistent with legislative intent pursuant to
9 Section 67-5291, Idaho Code, and to approve executive agency rules under the
10 provisions of Section 29, Article III of the Idaho Constitution; and

11 WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must
12 approve certain administrative rules that impose a fee or charge by adoption
13 of a concurrent resolution before the rules become effective; and

14 WHEREAS, the Legislature finds that it is in the public interest to
15 adopt this resolution.

16 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
17 sion of the Sixty-sixth Idaho Legislature, the House of Representatives and
18 the Senate concurring therein, that fee, non-fee, and proclamation rules
19 adopted by the Department of Juvenile Corrections, Board of Correction,
20 Idaho State Police, Idaho State Police - Public Safety, Idaho State Police -
21 POST, Commission of Pardons and Parole, and Sexual Offender Management Board
22 pursuant to the Administrative Procedure Act and submitted through the Of-
23 fice of Rules Coordinator to the Legislature for review during the 2022 leg-
24 islative session and reviewed by the House Judiciary, Rules, and Administra-
25 tion Committee and the Senate Judiciary and Rules Committee, be, and the same
26 are approved, with the exception of the following enumerated pending rules.

27 BE IT FURTHER RESOLVED that Idaho State Police, IDAPA 11.10.03, Docket
28 No. 11-0000-2100, Rules Governing the Sex Offender Registry, Section 012.,
29 Subsection 06.a. and e., only; State Public Defense Commission, IDAPA
30 61.01.01, Docket No. 61-0101-2101, General Provisions and Definitions,
31 the entire rulemaking docket; and State Public Defense Commission, IDAPA
32 61.01.02, Docket No. 61-0102-2101, Requirements and Procedures for Repr-
33 esenting Indigent Persons, the entire rulemaking docket, are hereby rejected
34 and not approved, and thereby pursuant to Section 67-5291, Idaho Code, are
35 declared null, void, and of no force and effect.

36 BE IT FURTHER RESOLVED that, if any non-fee rule was assigned to but was
37 not reviewed by the House Judiciary, Rules, and Administration Committee and
38 the Senate Judiciary and Rules Committee, such rule shall take effect upon
39 conclusion of the legislative session, or as provided in rule, pursuant to
40 Section 67-5224, Idaho Code.

41 BE IT FURTHER RESOLVED that, except as provided in this concurrent res-
42 olution, every rule of Department of Juvenile Corrections, Board of Correc-
43 tion, Idaho State Police, Idaho State Police - Public Safety, Idaho State

1 Police - POST, Commission of Pardons and Parole, and Sexual Offender Manage-
2 ment Board, as that term is defined in Section 67-5201, Idaho Code, shall
3 continue in full force and effect until July 1, 2023, at which time they shall
4 expire and be of no further force and effect as provided in Section 67-5292,
5 Idaho Code.

6 BE IT FURTHER RESOLVED that a rule or partial rule approved by this con-
7 current resolution shall remain in effect until it expires by its own terms,
8 but in no event shall a rule remain in effect beyond July 1, 2023, or the con-
9 clusion of the First Regular Session of the Sixty-seventh Idaho Legislature,
10 whichever is applicable, unless it is further extended by adoption of a con-
11 current resolution by both houses of the Legislature. Rules or sections of
12 rules that are excepted from approval hereunder shall expire upon adjourn-
13 ment of the Second Regular Session of the Sixty-sixth Idaho Legislature, un-
14 less approved by adoption of a separate concurrent resolution by both houses
15 of the Legislature.